

REMARKS

This Response and Amendment are filed in reply to the Office Action dated July 14, 2003. In this Response, Applicant amends claims 1-15 to correct antecedent basis, typographical, and form issues. Support for the amendments can be found throughout the originally filed disclosure. Applicant also traverses Examiner's rejections of pending claims 1-18. Silence with regard to any of the Examiner's rejections is not an acquiescence to such rejections. Specifically, silence with regard to Examiner's rejection of a dependent claim, when such claim depends from an independent claim that Applicant considers allowable for reasons provided herein, is not an acquiescence to such rejection of the dependent claim(s), but rather a recognition by Applicant that such previously lodged rejection is moot based on Applicant's remarks and/or amendments relative to the independent claim (that Applicant considers allowable) from which the dependent claim(s) depends. Furthermore, any amendments to the claims are being made solely to expedite prosecution of the instant application. Upon entry of the Amendment, claims 1-18 are pending in the present application.

The issues of the July 14, 2003 Office Action are presented below with reference to the Office Action.

With regard to the Office Action, paragraph 1: The Examiner rejected claims 1-18 based on 35 U.S.C. 103(a) in view of Adams et al. (U.S. 6,195,732) and Soltis et al. (U.S. 6,693,804). Applicant respectfully disagrees with the Examiner's application of the stated references with respect to Applicant's independent claims 1 and 11.

Applicant's independent claims 1 and 11 are directed to a specific network/protocol, namely, the Fieldbus communications network. A copy of one such standard for Fieldbus communications is provided herein as part of a Supplemental Information Disclosure Statement (IDS). It is known in the art that the Fieldbus communications protocol includes scheduled and unscheduled communications intervals. Such communications can be seen, for example, in Figure 12 of the aforementioned reference on Fieldbus communications.

Applicant's independent claim 1 includes transferring data from the host device to the control device(s) during unscheduled communications periods, where the host device is remote from the control device and coupled thereto by a Fieldbus communications network. Further, Applicant's independent claim 1 includes *storing the transferred data to a respective inactive*

memory area; and, redirecting the at least one control device microprocessor, during a microprocessor idle period of the at least one control device microprocessor, to execute the stored data in the inactive memory area.

Examiner states on page 2 of the present Office Action that "Adams did not go in details redirecting at least one control device processor, during a microprocessor idle period, to execute the stored data in the inactive memory area." Applicant agrees with Examiner's statement. Further, Applicant notes that Adams et al. also do not teach anything with regard to Applicant's claimed *Fieldbus communications network which couples Applicant's claimed host device and control device(s)*. Nor do Adams et al. teach anything with regard to Applicant's claimed *transferring data from a host device to the at least one control device during unscheduled communications periods* of said Fieldbus communications network. This is all in addition to Adams et al.'s failure to teach, as expressed by Examiner, Applicant's claimed *redirecting ...during a microprocessor idle period*.

Rather, Adams et al. teach a method for managing capacity of a storage medium, such that a host can alter the available capacity of a memory device. As provided previously herein, the Adams et al. reference teaches nothing about Applicant's claimed features that include a host and a control device(s) connected via a Fieldbus communications network, such that data can be transferred during unscheduled communications periods to an inactive memory area(s), and thereafter, during a control device microprocessor idle period, the control device(s) microprocessor(s) can be redirected to the inactive memory area(s).

Applicant also reviewed Soltis et al., which teaches a control mechanism for shared SCSI storage devices. Soltis et al. teach the use of a lock to exclude other clients from using storage blocks on the shared devices. Nowhere do Soltis et al. ever teach two or more microprocessor controlled devices (e.g., Applicant's claimed host and control device(s)) that are coupled by a Fieldbus communications network, as claimed by Applicant. Further, nowhere do Soltis et al. ever teach communicating between said devices during unscheduled communications, as claimed by Applicant in independent claim 1, writing and/or storing to an inactive memory area, and redirecting the control device microprocessor to the inactive memory area during a microprocessor idle period, all as claimed by Applicant in independent claim 1.

As Examiner knows, and based at least on MPEP 2143, a prima facie case of obviousness under 35 U.S.C. 103(a) requires (1) a suggestion or motivation in the references

themselves or generally known in the art, to combine the references, (2) a reasonable expectation of success to combine, and (3) a teaching, via the combination, of all the claimed limitations. Applicants submit herein that the Examiner fails to provide a prima facie case of obviousness, for all three of the aforementioned elements are not satisfied.

First, as provided herein, neither Adams et al. nor Saltis et al. teach Applicant's claimed Fieldbus communications network where a host can transfer data to at least one control device during unscheduled communications periods, where transferred data is stored in an inactive memory area(s), and where the control device microprocessor(s) can be redirected to said inactive memory area(s) during a microprocessor(s) idle period. Because the all-elements requirement is not satisfied, Examiner fails to provide a prima facie case under 35 U.S.C. 103(a).

Even if Examiner provided references showing all of Applicant's claimed features, Examiner, in the instant Office Action, fails to show motivation to combine references, merely stating, page 3, "[i]t would have been obvious to one having ordinary skill..." "The examiner can satisfy the burden of showing obviousness of the combination 'only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references,'" In re Fritch, 972 F.2d 1260, 1265, 23 USPQ2d 1780, 1783 (Fed. Cir. 1992). In the present Office Action, Examiner fails to provide such motivation.

Thirdly, Examiner's case under 35 U.S.C. 103(a) fails because Examiner does not show that Adams et al.'s system could be modified with the Mode and Mode Select commands from Soltis et al. Nowhere do Adams et al. teach a shared access system, and thus the modification of such system with a system according to Soltis et al. could render the Adams et al. reference inoperable for its intended use, thereby making it inappropriate for combination in the manner suggested by the Examiner.

Applicant thus traverses Examiner's rejection of independent claim 1 based on 35 U.S.C. 103(a), and considers independent claim 1 to be allowable. Because claims 2 through 10 depend from allowable independent claim 1, claims 2 through 10 are also allowable.

Applicant's independent claim 11 is an analog system claim to Applicant's allowable method claim of independent claim 1. Applicant thus traverses Examiner's rejection of independent claim 11 for the same reasons as provided relative to allowable independent claim 1,

and Applicant also considers independent claim 11 to be allowable. Because claims 12-18 depend from allowable independent claim 11, claims 12-18 are also allowable as depending from an allowable base claim.

CONCLUSION

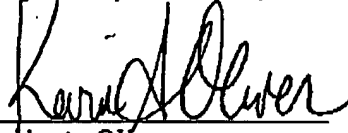
Applicants consider the Response herein to be fully responsive to the referenced Office Action. Based on the above Remarks, it is respectfully submitted that this application is in condition for allowance. Accordingly, allowance is requested. If there are any remaining issues or the Examiner believes that a telephone conversation with Applicants' attorney would be helpful in expediting the prosecution of this application, the Examiner is invited to call the undersigned at 617-832-1241.

Date: October 14, 2003

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Respectfully submitted,


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